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SLP(C)No. 20780 OF 2004

ITEM No.38

Court No. 1

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.20780/2004  
(From the judgement and order dated 29/09/2004 in WP 1893/04  
of The HIGH COURT OF BOMBAY)

AIR INDIA LTD.

Petitioner (s)

VERSUS

AIR INDIA CABIN CREW ASSOCIATION & ORS.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for exemption from filing c/c of the impugned Judgment )  
(with IA 2 for impleadment)

Date : 05/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. Arun Jaitely, Sr. Adv.  
Mr. Mukul Rohtagi, Sr. Adv.

Mr. V.B. Joshi,Adv.

Mr. Ravi Kini, Adv.

Mr. Krishan Kumar, Adv.

Mr. Sumit Gupta, Adv.

Mr. Pradeep Dhingra, Adv.

For Respondent (s)

No. 1Mr. K K Venugopal, Sr. Adv.

Mr. S Udaya Kumar Sagar, Adv.

Ms. Bina Madhavan, Adv.

Mr. Pradeep Rajagopal, Adv.

Ms. Rekha Rajagopal, Adv.

Ms. Pooja Nanekar, Adv.

Ms. Susan Zachariah, Adv.

for M/s. Lawyer's Knit & Co., Adv.

No.2Mr. T S Doabia, Sr. Adv.

Mr. Manish Sharma, Adv.

For Applicant(s) in IA2Mr. V A Bobde, Sr. Adv.

Ms. Sumita Hazarika, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

Printing dispensed with. The appeal shall be heard on the SLP paperbook. Additional documents, if any, be filed within six weeks. Original record need not be requisitioned.

For deciding the question of grant of interim relief, on 29th October, 2004 we had directed a statement to be made by the DGCA. Notice has been served on DGCA. One Mr. T. Mohan Chandran, Asstt. Director (Operations) in the office of Director of Airworthiness, Directorate General of Civil Aviation has filed the affidavit dated 1st November, 2004. Needless to say, it does not purport to be a counter affidavit to the petition nor was it expected to be. It is a limited statement made for the purpose of grant or otherwise of interim relief. The deponent has stated that every aircraft is being detailed with trained cabin crew members as specified in Rule 38B, sub-rule (1)(III) of Aircraft Rules, 1937. It is pointed out by the learned senior counsel for the appellant that in addition to trained cabin crew members some untrained or trainee cabin crew members are also being detailed mainly for the purpose of extending courtesy and hospitality to the passengers. However, no rule relevant to safety of the passengers or the aircraft is being violated.

The learned senior counsel for the respondent-Association has submitted that the trained cabin crew members and untrained or trainee cabin crew members put on an identical uniform and badges which may cause confusion to the passengers. The learned senior counsel for the appellant-Air India Ltd. assures that in the event of any cabin crew members, in addition to the minimum cabin crew members as required by safety rules, being detailed, they shall bear a different badge and a uniform of different colour so as to clearly identify them.

Though a number of other submissions have been made but it is not necessary to record the same at this stage. Suffice it to say that a case for the grant of stay of the operation of the impugned judgment of the High Court in the light of the statement made and assurance given on behalf of the appellant-Air India Ltd., is made out.

The directions contained in para 35 of the impugned judgment of the High Court shall remain stayed during the hearing of the appeal.

I.A. No. 2/2004 (for impleadment filed on behalf of Indian Pilots' Guild) : Issue notice. Learned counsel for the appellant and respondents Nos. 1 and 2 take notice.

Let respondents Nos. 3, 4 and 5, though proforma parties, be served in appeal and also on the application for impleadment.

(D.P. WALIA)  
COURT MASTER

(RADHA R. BHATIA)  
COURT MASTER